



the ESI protocol and a protective order”. Plaintiffs made a similar commitment in their responses to Defendants’ First Request for Production of Documents.

4. The ESI protocol and “a protective order” were entered on Thursday, August 24, 2017. Plaintiffs began their production two weeks later, on Thursday, September 7, 2017.

5. Defendants have not made any production. On Thursday, September 7, 2017, they filed the instant objection.

6. On Friday, September 8, 2017, the Natural Resource Governance Institute (NRGI) – the current name for Revenue Watch Institute (RWI) – sent an email in which it refused to produce documents pursuant to subpoena served on it until the current objection by Defendants is resolved, although they represented they otherwise had a production ready to be sent to us. NRGI/RWI is a key entity that the Amended Complaint alleges Defendants controlled (e.g., AC ¶¶ 9, 49, 51, 53, 67-68, 72, 76-77, 80, 84, 85, 89, etc.). Counsel for NRGI attached to their email a copy of Defendants’ objection that did not have the ECF filing header.

#### **Exhibits Attached**

7. Attached as **Ex. A** is a true and correct copy of the Protective Order entered in this action.

8. Attached as **Ex. B** is a true and correct copy of a blackline of the Defendants’ proposed protective order against the Protective Order entered in this action.

9. Attached hereto as **Ex. C** is a true and correct copy of excerpts from the August 24, 2017 Transcript of proceedings before Judge Peck in this action.

10. Attached as **Ex. D** is a true and correct copy of the Protective Order entered by Judge Peck in the action *Rio Tinto plc v. Vale SA., et al.*, No. 14-cv-3042 (RMB) (AJP).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
September 15, 2017



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Michael S. Lazaroff